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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

2007 NOV 13 AM 10:05

CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Drew Gerald TAKACS

Defendant.

Magistrate Case No.

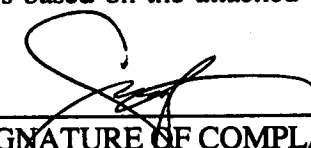
07 MJ 2644 DEPUTY

COMPLAINT FOR VIOLATION OFTitle 8, U.S.C., Section
1324(a)(2)(B)(iii)-
Bringing in Illegal Alien(s)
Without Presentation

The undersigned complainant being duly sworn states:

On or about **November 9, 2007**, within the Southern District of California, defendant **Drew Gerald TAKACS**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that an alien, namely, **Erika RAMOS-Roman**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said alien, and upon arrival did not bring and present said alien immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


 SIGNATURE OF COMPLAINANT
 Sara Esparagoza, United States Customs
 and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 13TH DAY OF
NOVEMBER, 2007.


 UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

I, United States Customs and Border Protection (CBP) Enforcement Officer Elizabeth Rangel-Machuca, declare under penalty of perjury the following to be true and correct:

The complainant states that **Erika RAMOS-Roman** is a citizen of a country other than the United States; that said alien has admitted she is deportable; that her testimony is material; that it is impracticable to secure her attendance at trial by subpoena; and that she is a material witness in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On Friday, November 9, 2007, at approximately 9:50 PM **Drew Gerald TAKACS** (Defendant) made application for admission into the United States at the San Ysidro, California Port of Entry as the driver and sole visible occupant of a 1992 Saab 900. A Customs and Border Protection (CBP) Officer working inspection booth number twenty (20) initiated an inspection. Defendant presented a California Identification as proof of his claim to United State citizenship and claimed ownership of the vehicle, stating he had just purchased vehicle. Defendant was asked what, if anything, he was bringing from Mexico. Defendant gave two customs negative declarations. The officer suspected the California Identification, Defendant presented, did not belong to him, based on dissimilarities of Defendant and the photo shown on the California Identification. As a result, the driver and the vehicle were escorted to vehicle secondary.

During secondary inspection, a vehicle inspection was conducted by a Customs Enforcement (CEO) K-9 Officer and his K-9, which alerted to the rear seat of the vehicle. Upon further inspection of the rear seat, the officer noticed what appeared to be a human. San Ysidro Prosecution Unit was contacted. Officers assisted in removing the rear seat of the vehicle, extracting one female from the compartment. CBP Enforcement Officer Elizabeth Rangel-Machuca and CBP Enforcement Officer Eric Velasquez responded and took custody of the Defendant and Material Witness.

Defendant was queried by fingerprint and photographed comparison through the Automated Biometric Identification System (IDENT). IDENT returned a match to the query, identifying Defendant as previously apprehended for attempting to smuggle three aliens into the United States. Defendant's identity verified by 10-digit fingerprint submission through the Integrated Automated Fingerprint Identification System (IAFIS). IAFIS linked Defendant to FBI records.

Further investigation revealed the female extracted from the rear seat of the vehicle, to be a citizens and nationals of Mexico with no entitlements to enter the United States. The individual is now identified as **Erika RAMOS-Roman** (Material Witness).


PROBABLE CAUSE STATEMENT Continued...

PROBABLE CAUSE STATEMENT
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During a videotape proceeding, Defendant was advised of his Miranda rights and elected to submit to questioning without benefit to counsel. Defendant admitted knowledge to smuggling one alien hidden underneath the rear seat of the vehicle. Defendant stated he agreed to smuggle the alien for monetary gain, Defendant stated he was going to receive between \$300.00 USD to \$700.00 USD for smuggling one alien into the United States.

On separate videotaped interviews, Material Witness declared she is a citizen of Mexico who possesses no legal right to enter the United States. Material Witness stated she intended to travel to Atescadero, California to reunite with her spouse and child. Material Witness stated she made arrangements to be smuggled into the United States and agreed to pay \$4500.00 USD upon successfully entering the United States.

Executed on this 10TH day of November 2007 at 0900.


Elizabeth Rangel-Machuca / CBP Enforcement Officer

On the basis of the facts presented in the Probable Cause Statement consisting of (2) pages, I find probable cause to believe that the defendant named therein committed the offense on November 9, 2007 in violation of Title 8, United States Code, Section 1324.


United States Magistrate Judge

11-10-07 @ 10:30am
DATE / TIME